Remarks/Arguments

Amendments to the Specification

Applicant has amended the Abstract as suggested by the Examiner.

Amendments to the Claims

Applicant has amended Claims 2, 3, and 16 to recite the vessel being buoyant when the assembly recited in these claims is retracted. This is fully supported by the specification and figures of the present invention. In the Office Action, the Examiner defined a vessel as follows: "In view of Applicant's disclosure, Examiner has revised his position regarding the interpretation of limitation "vessel". Contrary to the position adopted previously, the limitation "vessel" is now being interpreted to mean a marine or an aeronautic/space transportation device--such as a boat or ship; submarine/submersible craft; aircraft/airship; rocket, or spaceship." The amendment noted above is in line with the characteristics of a vessel.

The Rejection of Claims 2, 3, 5, 7, 8, 11, 12, 16, 17, 19, 21, 22, 25, and 26 Under 35 U.S.C. §102

the Examiner rejected Claims 2, 3, 5, 7, 8, 11, 12, 16, 17, 19, 21, 22, 25, and 26 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 2,390,747 (Straussler). Applicant traverses the rejection as follows.

Claim 2

Claim 2 recites: "An apparatus for varying the dimensions of a vessel hull comprising:"

Straussler does not teach a vessel

Claim 2 recites a vessel. In the Office Action, the Examiner defined a vessel as follows: "In view of Applicant's disclosure, Examiner has revised his position regarding the interpretation of limitation "vessel". Contrary to the position adopted previously, the limitation "vessel" is now being interpreted to mean a marine or an aeronautic/space transportation device--such as a boat or ship; submarine/submersible craft; aircraft/airship; rocket, or spaceship." The Examiner's statement is in alignment with what Applicant asserts as the plain meaning of a vessel. Part of that plain meaning of a vessel is exhibiting buoyancy with respect to the fluid medium in which

the vessel is operating. Further, buoyancy is clearly inherent in boats or ships; submarine/submersible craft; and aircraft/airship described in the present application.

In contrast, Straussler teaches a vehicle operable only on land, for example, a tank, gun carrier, or transport vehicle. (page 1, LHS, lines 5-11). Straussler's vehicle is clearly not a marine or an aeronautic/space transportation device. Straussler very clearly teaches that his vehicle in not buoyant, for example, on page 1, LHS, lines 1-4. That is, the vehicle cannot operate on any medium except solid ground. In fact, the very foundation of Straussler's invention is the non-buoyancy of the vehicle.

Alternately stated, the very basis of Straussler's invention is to begin with a vehicle, not a vessel, and to add a structure to that vehicle such that the vehicle is buoyant (has some functionality associated with a vessel) when that extra and extraneous structure is deployed. In contrast, Claim 2 recites a vessel as the starting point and a portion of the vessel itself is recited as the assembly. That is, the vessel has certain characteristics, for example, buoyancy, regardless of the deployment of the assembly recited in Claim 2.

Straussler's buoyancy depends his assembly being extended

Claim 2 recites: "and said vessel is buoyant when said assembly is retracted;" Assuming *arguendo* that Straussler's vehicle is analogous to the vessel recited in Claim 2, which it is not, Straussler teaches that his vehicle is non-buoyant and that his assembly must be fully extended in order to render the vehicle capable of travel on water. (page 1, LHS, lines 1-4).

Straussler does not teach a hull

Claim 2 recites: "said assembly operatively arranged to form a portion of said vessel hull..." Thus, Claim 2 clearly recites an assembly that is part of a hull. The hull is part of a vessel, which as shown *supra*, is a marine or an aeronautic/space transportation device. In contrast, Straussler teaches a means for imparting buoyancy to vehicles normally incapable of floating in water. (page 1, LHS, lines 1-3). That is, the vehicle is not a marine or an aeronautic/space transportation device. Specifically, Straussler teaches a superstructure that is adaptable to be built around and attached to a vehicle. That is, the vehicle by itself is not buoyant and a superstructure is added to enable the vehicle to float.

Alternately stated, a hull is a characteristic of a vessel, that is, a marine or an aeronautic/space transportation device, as defined by the Examiner. Since Straussler's vehicle is not a vessel, it cannot include a hull.

Straussler's means for imparting buoyancy is not part of a hull

Claim 2 recites: "said assembly operatively arranged *to form a portion of said vessel hull*, said truss assembly operatively arranged to extend and retract to *vary the dimensions of said hull* when said plurality of members are pivoted with respect to one another..." (emphasis added). Assuming *arguendo* that the vehicle taught by Straussler is a vessel, which it is not, and that the vehicle exterior comprises a hull, which it does not, Straussler teaches that his means for imparting buoyancy is completely separate from the exterior of the vehicle. Claim 2 recites the assembly forming a portion of the hull. In contrast, Straussler teaches a superstructure separate from the exterior of the vehicle, i.e., the superstructure is not part of the vehicle. That is, changing the shape of the superstructure does not vary the dimension of the exterior of the vehicle. Further, removing the superstructure does not affect the exterior of the vehicle itself in any way or the function of the exterior. For example, removing the superstructure would not affect the function of a tank or gun carrier as a respective weapons system.

Straussler's means for imparting buoyancy pivot in a plane orthogonal to the vehicle surface

Claim 2 recites: "said members pivoting in a plane substantially coplanar with said portion of said vessel hull..." Assuming *arguendo* that Straussler's vehicle is a vessel, that the vehicle exterior is a hull, that Straussler's superstructure is part of the hull, and that Straussler's superstructure is the assembly recited in Claim 2, none of which are true, the superstructure members pivot in planes orthogonal to the portion of the vehicle exterior to which they are attached. For example, Figures 1-3 show that the superstructure rests upon top surfaces of the vehicle. Therefore, the frame of reference for the superstructure and its members is this top surface to which the superstructure is attached. The top surfaces form planes that extend orthogonally from the sheet. However, the superstructure unfolds in planes parallel to the page in Figure 1. Accordingly, the members of the superstructure pivot in the same parallel plane.

For example, the members shown in Figure 4 pivot in the same plane in which the superstructure unfolds. Therefore, Straussler's members pivot in a plane orthogonal to the vehicle exterior.

Straussler does not teach all the elements of Claim 2, therefore, Claim 2 is novel with respect to Straussler. Claims 5, 7, 8, 11, 12, dependent from Claim 2, enjoy the same distinction with respect to Straussler. Applicant courteously requests that the rejection be removed.

Claim 3

Claim 3 recites: "an arcuate truss assembly having a plurality of members pivotally joined, said assembly operatively arranged to form a portion of said vessel hull, said truss assembly operatively arranged to extend and retract to vary the dimensions of said hull when said plurality of members are pivoted with respect to one another, said members pivoting in a plane substantially coplanar with said portion of said vessel hull, and said vessel is buoyant when said assembly is retracted" These are the same limitations recited in Claim 2.

Applicants have shown that Claim 2 is novel with respect to Straussler, therefore, Claim 3 also is novel with respect to Straussler. Applicant courteously requests that the rejection be removed.

Claim 16

Amended Claim 16 recites: "an arcuate truss assembly having a plurality of members pivotally joined, said truss assembly operatively arranged to form a portion of said hull, said truss assembly operatively arranged to extend and retract to vary the dimensions of said hull when said plurality of members are pivoted with respect to one another, said members pivoting in a plane substantially coplanar with said portion of said vessel hull, and said vessel is buoyant when said assembly is retracted" These limitations were addressed in the arguments for Claim 2.

Since Applicant has shown that Claim 2 is novel with respect to Straussler, Claim 16 also is novel with respect to Straussler. Claims 17, 19, 21, 22, 25, and 26, dependent from Claim 16, enjoy the same distinction with respect to Straussler. Applicant courteously requests that the rejection be removed.

The Rejection of Claims 6 and 20 Under 35 U.S.C. §103

The Examiner rejected Claims 6 and 20 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 2,390,747 (Straussler) in view of JP 07-157977 ('977).

Applicant has shown that Straussler does not teach all the elements of Claims 2 and 16. Nor does Straussler teach or suggest all the elements of Claims 2 and 16. Straussler is addressing a completely different problem and proposing a completely different solution. Specifically, Straussler addressed the problem of making a non-buoyant vehicle temporarily buoyant and proposed a superstructure added to the exterior of the vehicle. In contrast, the present invention is addressing the problem of varying the dimensions of a hull for a vessel. In fact, since Straussler teaches that his vehicle must be non-buoyant (otherwise, there is no use for his superstructure), Straussler actually teaches against the vessel recited in Claims 2 and 16.

'977 teaches the use of urethane, which does not cure the defects of Straussler regarding Claims 2 and 16. These defects are detailed in the arguments *supra*.

Claims 2 and 16 are patentable over Straussler and '977. Therefore, Claims 6 and 20, dependent from Claims 2 and 16, respectively, also are patentable over Straussler and '977. Applicant courteously requests that the rejection be removed.

The Objection of Claims 9, 10, 13, 23, 24, and 27 as Being Dependent Upon a Rejected Base Claim

Claims 9, 10, 13, 23, 24, and 27 were objected to as being dependent upon a rejected base claim, but the Examiner indicated that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant has shown that Claims 2 and 16 are allowable. Therefore, Claims 9, 10 and 13, dependent from Claim 2 also are allowable. Claims 23, 24, and 27, dependent from Claim 16 also are allowable Applicant courteously requests that the objections be removed.

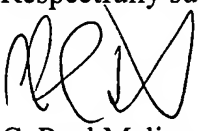
Allowed Claims

Applicant gratefully acknowledges the allowance of Claims 4 and 18.

Conclusion

Applicant respectfully submits that all pending claims are now in condition for allowance, which action is courteously requested.

Respectfully submitted,



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